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**IDAPA 02
TITLE 04
CHAPTER 27**

02.04.27 - RULES GOVERNING DELETERIOUS EXOTIC ANIMALS

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 25, Chapter 39, Idaho Code. (3-20-04)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.04.27, “Rules Governing Deleterious Exotic Animals”. (3-20-04)

02. Scope. These rules govern the designation, importation, and possession of deleterious exotic animals. The official citation of this chapter is IDAPA 02.04.27.000 et seq. For example, this Section’s citation is IDAPA 02.04.27.001. (3-20-04)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-20-04)

003. ADMINISTRATIVE APPEAL.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (3-20-04)

004. INCORPORATION BY REFERENCE.

01. Incorporated Documents. This chapter incorporates the following documents by reference: Code of Federal Regulations, Title 9, Parts 1, 2, 3, 4, and 161, CFR, January 1, 2005. (9-1-05)T

02. Availability of Documents. Copies of these documents may be obtained from the Idaho State Department of Agriculture Central Office. (3-20-04)

005. ADDRESS, OFFICE HOURS, TELEPHONE, AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (3-20-04)

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (3-20-04)

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701-0790. (3-20-04)

04. Telephone Number. The telephone number for the Division of Animal Industries at the central office is (208) 332-8540. (3-20-04)

05. Fax Number. The fax number for the Division of Animal Industries at the central office is (208) 334-4062. (3-20-04)

006. IDAHO PUBLIC RECORDS ACT.

These rules are public records available for inspection and copying at the Central Office of the Idaho State Department of Agriculture. (3-20-04)

007. -- 009. (RESERVED).

010. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter. (3-20-04)

01. Accredited Veterinarian. A veterinarian approved by the Administrator and the USDA/APHIS/VS, in accordance with provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs. (3-20-04)

02. Administrator. The administrator of the Division of Animal Industries, Idaho State Department of Agriculture, or his designee. (3-20-04)

03. Animal. Any member of the animal kingdom, except man. (3-20-04)

04. Deleterious Exotic Animal. Any live animal, or hybrid thereof, that is not native to the state of Idaho and is determined by the Administrator to be dangerous to the environment, livestock, agriculture, or wildlife of the state. (9-1-05)T

05. Department. The Idaho State Department of Agriculture. (3-20-04)

06. Director. The director of the Idaho State Department of Agriculture or his designee. (3-20-04)

07. Division of Animal Industries. Idaho State Department of Agriculture, Division of Animal Industries. (3-20-04)

08. Federal Animal Health Official. An employee of the United States Department of Agriculture, Animal Plant Health Inspection Service, Veterinary Services who is authorized to perform animal health activities. (3-20-04)

09. Livestock. Cattle, domestic bison, swine, horses, mules, asses, domestic cervidae, sheep, goats, camelids, and ratites. (3-20-04)

10. Operator. The person who has authority to manage or direct a premises or other area where animals are kept. (3-20-04)

11. Owner. The person who owns or has financial control of premises or other areas where animals are kept. (3-20-04)

12. Person. Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (3-20-04)

13. Premises. The ground, area, buildings, corrals, enclosures, pens, cages, ponds, raceways, tanks, and equipment utilized to keep, hold, or maintain animals. (3-20-04)

14. State Animal Health Official. The Administrator, or his designee, responsible for disease control and eradication activities. (3-20-04)

011. ABBREVIATIONS.

01. AZA. American Zoo and Aquarium Association. (3-20-04)

02. CFR. Code of Federal Regulations. (3-20-04)

03. IDFG. Idaho Department of Fish and Game. (3-20-04)

04. ISDA. Idaho State Department of Agriculture. (3-20-04)

05. USDA. United States Department of Agriculture. (3-20-04)

012. -- 019. (RESERVED).

020. APPLICABILITY.

These rules apply to the importation and possession of all deleterious exotic animals in Idaho. (3-20-04)

021. DELEGATION OF AUTHORITY.

The Administrator may designate IDFG to conduct permitting activities for deleterious exotic animals. (3-20-04)

022. INSPECTIONS.

In order to ascertain compliance with this chapter, the Administrator is authorized to enter and inspect premises and other areas where animals are held or kept. (3-20-04)

01. Entering Premises. State or federal animal health officials will attempt to notify the owner or operator of the premises or other area prior to conducting an inspection. (3-20-04)

02. Emergencies. In the event of an emergency, as determined by the Administrator, the notification requirements of Section 022 of this rule may be waived. (3-20-04)

023. -- 099. (RESERVED).

100. IMPORTATION OF DELETERIOUS EXOTIC ANIMALS.

No person shall import any deleterious exotic animals into Idaho, except by permit. The Administrator may authorize, by permit, the importation of deleterious exotic animals to: (3-20-04)

01. Zoos. Public or private zoos accredited by the AZA. (3-20-04)

02. Educational Institutions. Public or private institutions of higher education, for research purposes. (3-20-04)

03. Research Facilities. Persons conducting research determined by the Administrator to be beneficial to agriculture, the environment, or wildlife. (3-20-04)

04. USDA Licensed Facilities. Zoos and exhibitors open to the public, licensed by USDA pursuant to Title 9, Parts 1, 2, 3, and 4, CFR, and approved by the Administrator. (3-20-04)

101. CIRCUSES AND TRAVELING EXHIBITIONS.

The Administrator may authorize, by permit, the importation and possession of deleterious exotic animals by circuses and other traveling exhibitions licensed by USDA. (3-20-04)

01. Period of Validity. Import permits, issued pursuant to Section 101, shall be valid for no more than fourteen (14) days. (3-20-04)

02. Removal. All deleterious exotic animals imported pursuant to Section 101, shall be removed from Idaho prior to the expiration of the import permit. (3-20-04)

03. Time Extension. The Administrator may extend the time limits in Section 101 of this rule on a case-by-case basis. (3-20-04)

102. IMPORT PERMIT AND CERTIFICATE OF VETERINARY INSPECTION.

All deleterious exotic animals imported pursuant to Sections 100 or 101 of this rule shall be accompanied in transit by an import permit issued by the Administrator, any permits required by the Idaho Department of Fish and Game, and an official certificate of veterinary inspection. (3-20-04)

103. CONTENTS OF CERTIFICATES OF VETERINARY INSPECTION.

All certificates shall be written, legible, and attest that the animal(s) meet the importation requirements of the state of Idaho. The certificate shall be on an official form of the state of origin, be approved by its livestock sanitary official, and be issued by an accredited veterinarian. An equivalent form of the USDA issued by a federal animal health

official is acceptable in lieu of a certificate of veterinary inspection. All certificates shall contain the following information: (3-20-04)

- 01. Name and Address.** Name and address of the consignor and consignee; and (3-20-04)
- 02. Origin of Shipment.** Including city and state; and (3-20-04)
- 03. Final Destination.** Final destination of shipment in Idaho, including city; and (3-20-04)
- 04. Description of Animals.** An accurate description and identification of each animal; and (3-20-04)
- 05. Purpose of Shipment.** The purposes for which the animals were shipped; and (3-20-04)
- 06. Method of Transportation;** and (3-20-04)
- 07. Health Status.** The certificate shall indicate the health status of the animals involved including dates and results of inspection and of tests and vaccinations, if any, required by the state of Idaho; and (3-20-04)
- 08. Signature.** The signature of the accredited veterinarian, or state or federal animal health official, conducting the veterinary inspection. (3-20-04)
- 09. Submission of Certificate.** The required copies of certificates of veterinary inspection or other approved certificates shall submitted, within thirty (30) days of inspection, to the Division. (3-20-04)
- 10. Period of Certificate Validity.** Certificates of veterinary inspection shall be valid for no longer than thirty (30) days after the date of inspection. (3-20-04)

104.-- 109. (RESERVED).

110. DECLARATION OF EXISTING DELETERIOUS EXOTIC ANIMALS.

Any person that possesses deleterious exotic animals shall declare those animals to the Administrator, in writing, on a form provided by the Division of Animal Industries prior to June 30, 2004. The declaration form shall be filled out accurately, legibly, and completely. (3-20-04)

111. POSSESSION PERMIT REQUIRED.

Effective July 1, 2004, no person shall possess a deleterious exotic animal without a possession permit signed by the Administrator. (3-20-04)

01. Existing Deleterious Animals. The Administrator may authorize possession permits for existing deleterious exotic animals on a case-by-case basis. (3-20-04)

02. Permit Applications. Possession permit applications shall be on a form prescribed by the Administrator and obtained from the Division of Animal Industries. (3-20-04)

03. Deadline for Application. Possession permit applications for existing deleterious exotic animals shall be received by the Administrator prior to June 30, 2004. (3-20-04)

04. Exceptions. The Administrator may grant exceptions to the requirements of Section 111, or extensions of the time limits set in Section 111, on a case-by-case basis. (3-20-04)

112. -- 119. (RESERVED).

120. IDENTIFICATION OF DELETERIOUS EXOTIC ANIMALS.

All deleterious exotic animals in Idaho shall be officially identified with permanent types of identification, approved by the Administrator. (3-20-04)

121.-- 149. (RESERVED).

150. PROPAGATION OF DELETERIOUS EXOTIC ANIMALS.

No person shall propagate any deleterious exotic animals in Idaho. The Administrator may authorize, by permit, the following entities to propagate deleterious exotic animals: (3-20-04)

- 01. Zoos.** Public or private zoos accredited by the AZA. (3-20-04)
- 02. Educational Institutions.** Public or private institutions of higher education, for research purposes. (3-20-04)
- 03. Research Facilities.** Persons conducting research determined by the Administrator to be beneficial to agriculture, the environment, or wildlife. (3-20-04)
- 04. USDA Licensed Facilities.** Zoos and exhibitors, open to the public, licensed by USDA pursuant to Title 9, Parts 1, 2, 3, and 4, CFR, and approved by the Administrator. (3-20-04)
- 05. Existing Operations.** Persons that have declared under Section 110 and that possess deleterious exotic animals under Section 111 may be permitted to propagate deleterious exotic animals on a case-by-case basis. (3-20-04)

151. REVOCATION OF PERMITS.

Permits issued pursuant to this chapter may be revoked at any time if the Administrator finds violations of any of the provisions of this chapter. (9-1-05)T

152. -- 199. (RESERVED).

200. CONFINEMENT OF DELETERIOUS EXOTIC ANIMALS.

All deleterious exotic animals shall be confined in appropriate facilities, as determined by the Administrator. These facilities shall be constructed and maintained to: (3-20-04)

- 01. Prevent Escape.** Prevent the escape of deleterious exotic animals. (3-20-04)
- 02. Prevent Ingress of Wildlife.** Prevent the ingress of free ranging wildlife that could be negatively impacted by the confined deleterious exotic animals. (3-20-04)
- 03. Assure Animal Care.** Assure the appropriate level of animal care, including maintaining the facilities in a sanitary condition. (9-1-05)T
- 04. Escapes.** The escape of any deleterious exotic animal shall be reported to the Administrator within twenty-four (24) hours of the discovery of the escape. (9-1-05)T

201. -- 299. (RESERVED).

300. DISPOSITION OF DELETERIOUS EXOTIC ANIMALS WITHIN IDAHO.

No person shall sell, barter, trade, change ownership, or release into the wild within Idaho, any deleterious exotic animal except: (3-20-04)

- 01. To Permitted Facilities.** Deleterious exotic animals may be sold, bartered, traded, or given to a zoo, educational institution, USDA licensed facility, or research facility that has a possession permit pursuant to Section 111. (3-20-04)
- 02. Between Permitted Facilities.** Zoos, educational institutions, USDA licensed facilities, or research facilities that have a possession permit, pursuant to Section 111 of this rule, may sell, trade, barter, or exchange deleterious exotic animals with other zoos, educational institutions, USDA licensed facilities, or research facilities that have possession permits pursuant to Section 111. (3-20-04)

03. Records. All persons who sell, barter, trade, change ownership or possession of deleterious exotic animals shall keep complete and accurate records of the disposition of any deleterious exotic animals, including the new contact information for persons in possession of the deleterious exotic animal and date of disposition. Such records shall be maintained for a minimum of three (3) years and shall be presented to the Administrator upon request. (9-1-05)T

301. EXPORT OF DELETERIOUS EXOTIC ANIMALS.

Any deleterious exotic animals exported from Idaho shall meet all applicable federal regulations for the interstate movement of animals. (3-20-04)

302. ANNUAL INVENTORY.

Any person that possesses deleterious exotic animals shall submit a complete and accurate inventory of such animals to the Administrator on or before the first day of July each year. Each inventory shall clearly show the disposition of all deleterious exotic animals including, but not limited to: (9-1-05)T

01. Date and Cause of Death. The date and cause of death of any deleterious exotic animals. (9-1-05)T

02. New Owner Information. The name and address of any person to whom deleterious exotic animals were transferred. (9-1-05)T

303. -- 309. (RESERVED).

310. DEAD ANIMALS.

All deleterious exotic animals that die, or are euthanized, shall be disposed of in accordance with IDAPA 02.04.17 "Rules Governing Dead Animal Movement and Disposal" and the death shall be reported to the Administrator within five (5) business days of the discovery of the death. (9-1-05)T

311. -- 399. (RESERVED).

400. DELETERIOUS EXOTIC ANIMALS - INVERTEBRATES.

01. Zebra Mussel (*Dreissenia polymorpha*). (3-20-04)

02. New Zealand Mud Snail (*Potamopyrgus antipodarum*). (3-20-04)

03. Red Claw Crayfish (*Cherax quadricarinatus*). (9-1-05)T

04. Yabby Crayfish (*Cherax albidus*/C. *destructor*). (9-1-05)T

05. Marrone Crayfish (*Cherax tenuimanus*). (9-1-05)T

401. -- 499. (RESERVED).

500. DELETERIOUS EXOTIC ANIMALS - FISH.

01. Green Sturgeon (*Acipenser medirostris*). (3-20-04)

02. Walking Catfish (*Clariidae*). (3-20-04)

03. Bowfin (*Ania Calva*). (3-20-04)

04. Gar (*Lepiostidae*). (3-20-04)

05. Piranhas (*Serrasalmus spp.*, *Rosseveltiella spp.*, *Pygocentrus spp.*). (3-20-04)

06. Rudd (*Scardinius erythrophthalmus*). (3-20-04)

- 07. Ide (*Leuciscus idus*). (3-20-04)
- 08. Grass Carp (*Ctenopharyngoden idella*). Diploid grass carp. (3-20-04)
- 09. Bighead Carp (*Hypophthalmichthys nobilis*). (3-20-04)
- 10. Silver Carp (*Hypophthalmichthys molitrix*). (3-20-04)
- 11. Black Carp (*Mylopharyngodeon piceus*). (3-20-04)
- 12. Snakeheads (*Channa spp.*, *Parachanna spp.*). (3-20-04)
- 501. -- 599. (RESERVED).
- 600. DELETERIOUS EXOTIC ANIMALS - AMPHIBIANS.
- 601. -- 649. (RESERVED).
- 650. DELETERIOUS EXOTIC ANIMALS - REPTILES.
- 651. -- 699. (RESERVED).
- 700. DELETERIOUS EXOTIC ANIMALS - BIRDS.
 - 01. Mute Swan (*Cygnus olor*). Mute swans except those that have been pinioned. (3-20-04)
- 701. -- 799. (RESERVED).
- 800. DELETERIOUS EXOTIC ANIMALS - MAMMALS - CERVIDAE.
 - 01. Red Deer (*Cervus elaphus elaphus*). (3-20-04)
 - 02. Sika Deer (*Cervus nippon*). (3-20-04)
- 801. DELETERIOUS EXOTIC ANIMALS -- MAMMALS -- OVIDAE.
 - 01. Barbary Sheep (*Ammotragus lervia*). (9-1-05)T
 - 02. Mouflon Sheep (*Ovis musimon*). (9-1-05)T
- 802. DELETERIOUS EXOTIC ANIMALS -- MAMMALS -- TAYASSUIDAE
 - 01. Peccary (*Dicotyles tajacu*). (9-1-05)T
- 803. DELETERIOUS EXOTIC ANIMALS -- MAMMALS -- SUIDAE.
 - 01. European or Russian Wild Boar (*Sus scrofa*). (9-1-05)T
- 804. DELETERIOUS EXOTIC ANIMALS -- MAMMALS -- MARSUPIALS.
 - 01. Brush Tailed Possum (*Trichsurus vulpecula*). (9-1-05)T
- 805. DELETERIOUS EXOTIC ANIMALS -- MAMMALS -- INSECTIVORES.
 - 01. European Hedgehog (*Erinaceus europeaus*). (9-1-05)T

806. DELETERIOUS EXOTIC ANIMALS -- MAMMALS -- RODENTIA.

- 01. South American Rodents.** All South American rodents except guinea pigs and chinchillas. (9-1-05)T
- a.** Nutria (*Myocastor coypus*). (9-1-05)T
- b.** Capybara (*Hydrochoerus hydrochaeris*). (9-1-05)T
- 02. Prairie Dogs (*Cynomys*).** (9-1-05)T
- 03. African Tree Squirrels (*Heliosciurus*).** (9-1-05)T
- 04. African Rope Squirrels (*Funisciurus*).** (9-1-05)T
- 05. African Dormice (*Graphiurus*).** (9-1-05)T
- 06. Gambian Giant Pouched Rats (*Cricetomys*).** (9-1-05)T
- 07. Brush-tailed Porcupines (*Atherurus*).** (9-1-05)T
- 08. African Striped Mice (*Hybomys*).** (9-1-05)T

807. DELETERIOUS EXOTIC ANIMALS -- MAMMALS -- FELIDAE.

- 01. Lion (*Panthera leo*).** (9-1-05)T
- 02. Tiger (*Panthera tigris*).** All tigers. (9-1-05)T
- 03. Leopard (*Panthera pardus*).** All leopards. (9-1-05)T
- 04. Jaguar (*Panthera onca*).** (9-1-05)T
- 05. Cheetah (*Acinonyx jubatus*).** (9-1-05)T
- 06. Serval (*Felis serval*).** (9-1-05)T
- 07. Caracal (*Felis caracal*).** (9-1-05)T
- 08. Ocelot (*Felis pardalis*).** (9-1-05)T
- 09. Margay (*Felis wiedii*).** (9-1-05)T
- 10. Jeoffroy's Cat (*Felis geoffroyi*).** (9-1-05)T

808. DELETERIOUS EXOTIC ANIMALS -- MAMMALS -- CANIDAE.

All non-native canidae species. (9-1-05)T

809. DELETERIOUS EXOTIC ANIMALS -- MAMMALS -- PROCYONIDAE.

- 01. Kinkajou.** (9-1-05)T
- 02. Coatimundi.** (9-1-05)T

810. DELETERIOUS EXOTIC ANIMALS -- MAMMALS -- NON-HUMAN PRIMATES.

All non-human primates. (9-1-05)T

811. -- 899. (RESERVED).

900. ADDITIONAL REQUIREMENTS.

The Administrator may add additional animals to the deleterious exotic animals list in this chapter by issuing a written order listing animals and the reasons for adding them to the deleterious exotic animals list. (3-20-04)

901. -- 989. (RESERVED).

990. PENALTIES FOR VIOLATIONS.

Any person who violates the provisions of this chapter shall be subject to the penalty provisions of Section 25-3905, Idaho Code. (3-20-04)

991. -- 998. (RESERVED).

999. MINOR VIOLATIONS.

Nothing in this chapter shall be construed as requiring ISDA to report minor violations when ISDA believes that the public interest will be best served by suitable warnings or other administrative action. (3-20-04)

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